

**Remarks**

Reconsideration and allowance of the subject patent application are respectfully requested.

Claims 1-4, 6-9, 11-15 and 21-25 were rejected under 35 U.S.C. Section 102(e) as allegedly being anticipated by Isikoff (U.S. Patent No. 5,748,084). While not acquiescing in this rejection, claims 1, 6 and 11 have been amended. As such, Isikoff is discussed below with reference to the amended claims.

As previously discussed, Isikoff discloses systems and devices for the location, communication with and management of small, microprocessor-containing electronic devices such as laptop computers. A beacon comprised of a cellular transceiver and a modem is installed in the laptop computer or electronic device for data recovery or tracking of the computer after a theft. In Isikoff, the beacon is operable in a normal communication mode for receiving incoming communications signals such as voice telephone calls, incoming faxes, etc. This differs from the subject matter of the claims 1, 6 and 11, which call for a communication unit that is functionally separate from utilization circuitry for normal operations of an electronic apparatus.

The office action alleges that "Isikoff further discloses that the beacon may be made as a removable assembly; this is interpreted that the beacon may be made separate from the utilization circuitry for normal operations of electronic apparatus it is attached to." Column 4, lines 35-38 of Isikoff state:

It is envisioned that the beacon itself be permanently attached to the computer, however, it is possible that for the purposes of upgrading its functionality it may be made as a removable chip or assembly.

However, even assuming that the beacon of Isikoff is made as a removable chip or assembly, it is nonetheless a functional part of the utilization circuitry for normal operations of the electronic apparatus. This is noted several times in the disclosure of Isikoff. *See, e.g.*, col. 1, lines 55-59 ("Under normal circumstances the beacon implements a standard communication function for the general communications needs of the device such as e-mail, voice, data, fax, internet or other communication task."); and col. 8, lines 14-15 ("Under normal circumstances the beacon functions as the general communications provider for the host computer.") Thus, Isikoff does not disclose a communication unit that is functionally separate from utilization circuitry for normal operations of the electronic apparatus as set forth in each of claims 1, 6 and 11.


For at least these reasons, Isikoff cannot anticipate claims 1, 6 and 11. *See, e.g., Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.").

Claims 2-4 depend from claim 1; claims 7-9 depend from claim 6; and claims 12-15 and 21-25 depend from claim 11. Applicant does not acquiesce in the rejections of these claims set forth in the office action. These dependent claims are not anticipated by Isikoff for the reasons set forth with the claims from which they depend and because they contain other patentable features.

Claims 5 and 10 were rejected under 35 U.S.C. Section 103(a) as allegedly being unpatentable over Isikoff in view of Heinrich *et al.* (U.S. Patent No. 5,874,902).

Heinrich *et al.* is relied upon in the office action for its disclosure of a fusible link.

However, Heinrich *et al.* is deficient with respect to the pending claims at least for the

 reasons set forth in the response of January 22, 2002 (which are incorporated herein) and it is respectfully submitted that the combination of Heinrich *et al.* with Isikoff would not have resulted in the subject matter of claims 5 and 10.


Claims 16 and 17 were rejected under 35 U.S.C. Section 103(a) as allegedly being unpatentable over Isikoff in view of Sheffer (U.S. Patent No. 5,515,419). Sheffer discloses an alarm information packet transmitted from a vehicle that includes vehicle type and color, vehicle plate number and identification number and the owner's name and address. Even assuming that some of this information is viewed as constituting the claimed purchase data or purchaser data, Sheffer does not remedy the deficiencies of Isikoff with respect to claim 11 (from which claims 16 and 17 depend). For at least these reasons, the proposed combination would not have resulted in the subject matter of claims 16 and 17.

Claim 18 was rejected under 35 U.S.C. Section 103(a) as allegedly being unpatentable over Isikoff in view of Glenn (U.S. Patent No. 5,406,261). Glenn is cited for its disclosure of a transistor as a power control circuit. However, Glenn does not remedy the deficiencies of Isikoff with respect to claim 11 (from which claim 18 depends). As such, even assuming the proposed combination was proper, it would not result in the subject matter of claim 18.

Claims 19 and 20 were rejected under 35 U.S.C. Section 103(a) as allegedly being "obvious" over Isikoff in view of Glenn and further in view of Heinrich *et al.* The office action alleges that "[t]he claimed invention would be expected to perform equally well with two transistors shown in Fig. 8 of Glenn combined with a fuse of Heinrich." First, Applicant traverses this unsupported assertion. Second, such a statement is not a

surrogate for evidence to support the legal conclusion of obviousness. Isikoff, Heinrich *et al.* and Glenn simply do not teach or suggest the specific arrangements called for in claims 19 and 20. Significantly, even if the fuse of Heinrich *et al.* were somehow “integrated” into the arrangement of Figure 8c of Glenn as proposed in the office action, the subject matter of claims 19 and 20 involving first and second parallel current paths; a fuse; and a first transistor would not result. Contrary to the assertions in the office action, Applicant is not “attacking” references individually. Rather, Applicant is simply noting that the mere existence of a first reference showing transistors and a second reference showing a fuse does not render obvious the specific arrangements called for in claims 19 and 20, even if these references are somehow combined.

Applicant notes that amendments of a formal nature have been made to claims 19 and 24.



New claims 26-34 have been added. The subject matter of these new claims is fully supported by the original disclosure and no new matter is added. These claims are believed to be allowable over the applied art. Independent claim 26 calls for, *inter alia*, a communication unit which does not provide a communication function for an electronic apparatus in normal operations of the electronic apparatus. In particular, as noted above, Isikoff expressly states that, under normal circumstances, the beacon functions as the general communications provider for a host computer.

Applicant submits that the pending claims are in condition for allowance, and action to that end is earnestly solicited.

If any issues remain to be resolved, the Examiner is urged to contact the attorney  
for Applicant at the telephone number listed below.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

A handwritten signature in cursive script, appearing to read "Michael J. Shea", is written over a horizontal line.

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